

Amendments to the Drawings:

In the attached replacement drawing sheet, Applicants have amended Figure 2 to incorporate a heat exchange system and a motor vehicle.

REMARKS

Applicants acknowledge receipt of an Office Action dated May 3, 2007. In this response, Applicants have amended claims 1, 7, and 13 and have added claims 16-18. Support for these amendments may be found in the specification and drawings, *inter alia*, in figures 1-4 and the corresponding discussion of these figures in the specification. Following entry of these amendments, claims 1-4 and 7-18 are pending in the application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Objection to the Drawings

On page 2 of the Office Action, the PTO has objected to the drawings.

In this response, Applicants have amended Figure 2 to include a heat exchange system and a motor vehicle as requested by the PTO.

With respect to the rounded triangle recited in claim 7 (and now also in claim 1), Applicants wish to direct the PTO's attention to page 5, lines 9-21 of the specification which describes the exemplary embodiment depicted in Figure 4 as a "rounded. . . triangle". In view of this description, Applicants submit that the drawings provide an exemplary of all of the claimed features. Applicants wish to remind the PTO that they are entitled to be their own lexicographers and wish to direct the PTO's attention to MPEP §2111.01.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objection to the drawings.

Claim Objection

On pages 2-3 of the Office Action, the PTO has objected to claim 7 for a minor informality. In this response, Applicants have amended claims 1 and 7 to eliminate the antecedent basis issue raised by the PTO. In view of this amendment, Applicants respectfully request reconsideration and withdrawal of the outstanding objection to claim 7.

Rejection Under 35 U.S.C. §102

On page of the Office Action, the PTO has rejected claims 1-4 and 7-15 under 35 U.S.C. §102(b) as allegedly being anticipated by DE 199 53 129 (hereafter "DE '129"). In

addition, on page 5 of the Office Action, the PTO has rejected claims 1 and 7-9 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent 6,481,420 to Panasuk *et al.* (hereafter “Panasuk”). Applicants traverse these rejection for the reasons set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131.

Here, DE ‘129 and Panasuk each fail to disclose a circumferential clamp “wherein the at least one end region of the clamp is bent back in such a way that it forms approximately the shape of a rounded triangle” as recited in independent claims 1 and 13. For at least this reason, Applicants submit that the outstanding §102 rejection is improper and ought to be withdrawn.

With particular regard to DE ‘129, Applicants note that prior art Figure 5 of the present application corresponds to Figure 2 of DE ‘129 (the figure relied on by the PTO). As can be seen from a comparison of Figure 5 with the exemplary depictions of Figures 1-4 of the present application, Figure 5 does not include an end region which “is bent back in such a way that it forms approximately the shape of a rounded triangle.” In this regard, Applicants wish to direct the PTO’s attention to the discussion of Figure 5 in the specification as well as to the description of Figure 4 at page 5, lines 9-21 of the specification.

While Applicants recognize that the PTO must give claim terms their broadest reasonable interpretation during prosecution, Applicants note that the interpretation must be *reasonable*. Inasmuch as Applicants’ specification expressly refers to structure on three sides of the triangle, Applicants submit that the PTO’s application of references which do not include structure on three sides of a triangle is not based upon a *reasonable* interpretation of the term triangle.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §102.

Newly Added Claims

In this response, Applicants have added claims 16-18. Applicants submit that neither of the outstanding §102 rejections apply to these newly added claims because the references fail to disclose:

an end portion “wherein the rounded triangle is formed by:

- a first bend in the end portion,
- a first portion of the end portion which extends from the clamp to the first bend,
- a second bend in the end portion,
- a second portion of the end portion which extends between the first bend and the second bend, and

an outermost portion of the end portion which extends from the second bend to the end of the end portion” as recited in newly added claims 16 and 17; or

“[a] circumferential clamp for fastening and connecting junction tubes on a heat exchanger in a motor vehicle,

wherein at least one end region of the clamp comprises a first bend point at which the end region is bent away from the tubes back toward the body of the clamp and a second bend point at which the end region bent further away from the tubes and further back toward the body of the clamp” as recited in newly added claim 18.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/3/07
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By P.D.S.
Paul D. Strain
Registration No. 47,369
Attorney for Applicant